

APPEAL NO. 021365  
FILED JULY 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 16, 2002. The hearing officer decided that the appellant's (claimant) impairment rating (IR) was 10%, in accordance with the report of the designated doctor, which was not against the great weight of the contrary medical evidence. The claimant has appealed, arguing that he is entitled to an IR for range of motion (ROM) deficits. The respondent (carrier) responds that the decision should be affirmed.

DECISION

We affirm the hearing officer's decision.

The examination conducted by the designated doctor was eight months after the treating doctor conducted his examination, but the ROM measurements recorded by the designated doctor show more restricted angles of movement and are inconsistent. The designated doctor explained, in response to an inquiry from the Texas Workers' Compensation Commission, that he had performed the ROM testing twice and it was inconsistent and invalid each time under the standards of the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association.

The hearing officer did not err in giving presumptive weight to the report of the designated doctor as set out in the 1989 Act. Section 408.125(e). The amount of evidence needed to overcome the presumption, a "great weight," is more than a preponderance, which would be only greater than 50%. See Texas Workers' Compensation Commission Appeal No. 92412, decided September 28, 1992. Medical evidence, not lay testimony, is the evidence required to overcome the designated doctor's report. Texas Workers' Compensation Commission Appeal No. 92164, decided June 5, 1992. We have reviewed the record and find that the hearing officer's decision is supported by the evidence, and affirm the decision and order.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**TIM KELLY  
AIG  
675 BERING, 3RD FLOOR  
HOUSTON, TEXAS 77057.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Michael B. McShane  
Appeals Judge